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REPORT OF THE SUB-COMMISSION ON PREVENTION OF DISCRIMINATION AND PROTECTION OF MINORITIES

Draft programme of action for the elimination of the exploitation of child labour

Report of the Secretary-General prepared pursuant to Commission on Human Rights resolutions 1991/54 and 1991/55

CONTENTS

	Paragraphs	Page
Introduction	1 - 19	1
I. General	20 - 28	4
II. Information	29 - 32	6
III. Educational and vocational training	33 - 41	7
IV. Social action	42 - 50	9
V. Development aid	51 - 55	11
VI. Labour standards and their application	56 - 68	12

GE.91-14210/4095B

CONTENTS (continued)

		Paragraphs	Page
VII.	Duties of States	69 - 77	15
VIII.	Role of United Nations organs and specialized agencies	78 - 87	17
IX.	Cooperation at local, national and international levels	88 - 91	19

Annex

Draft programme of action for the elimination of the exploitation of child labour 21

Introduction

1. In 1978 the Sub-Commission on Prevention of Discrimination and Protection of Minorities, in its resolution 6 B (XXXI), decided to include the subject of the exploitation of child labour in the agenda of its thirty-second session in 1979, the International Year of the Child. Due to the importance of the subject-matter and the need to eradicate the exploitation of child labour, the Sub-Commission decided in 1979 to review this question annually and requested all bodies of the United Nations system to cooperate in eliminating the exploitation of child labour.

2. Consequently, the Commission on Human Rights, in its resolution 17 (XXXVI) of 29 February 1980, recommended to the Economic and Social Council that it authorize the Sub-Commission to entrust Mr. Abdelwahab Bouhdiba, as Special Rapporteur, with the preparation of a report on the exploitation of child labour. The Council endorsed this recommendation by its decision 1980/125 of 2 May 1980.

3. Having received the study prepared by Mr. A. Bouhdiba on the exploitation of child labour (E/CN.4/Sub.2/479), the Commission on Human Rights, in its resolution 1982/21 of 10 March 1982, invited the Sub-Commission to present to the Council, through the Commission, a concrete programme of action to combat violations of human rights through the exploitation of child labour. The Special Rapporteur's proposals for such a concrete programme of action (E/CN.4/Sub.2/1982/29) were submitted to the Sub-Commission at its thirty-fifth session in 1982.

4. Since then the issue has been the subject of in-depth discussions in the Sub-Commission, the Commission on Human Rights, and the Economic and Social Council. In the meantime, a seminar on ways and means of achieving the elimination of the exploitation of child labour was held in Geneva in 1985 (ST/HR/SER.A/18).

5. The issue of the eradication of the exploitation of child labour and of debt bondage was the main theme discussed at the fifteenth session of the Working Group on Contemporary Forms of Slavery, held from 30 July to 3 August and on 22 August 1990. The members shared the opinion of the organizations participating in the session that the phenomena of child exploitation and debt bondage were very much linked to the problems of social and economic development, but that concerted action could improve the implementation of minimum age requirements for employment and eradicate employment in hazardous and exploitative types of work. Therefore, the members of the Working Group decided to develop a programme of action for the eradication of the exploitation of child labour and debt bondage.

6. In its resolution 1990/30, the Sub-Commission requested the Commission on Human Rights to authorize it to consider the possibility of appointing a special rapporteur to update Mr. A. Bouhdiba's report on the exploitation of child labour and extend that study to the problem of debt bondage. The Sub-Commission also recommended that the Committee on Economic, Social and Cultural Rights, when it examined the periodic reports of States parties to the International Covenant on Economic, Social and Cultural Rights,

give particular attention to the implementation of articles 10, 12 and 13 of the Covenant, with a view to improving the situation of children and eliminating the contemporary forms of slavery affecting children and the exploitation of child labour.

7. In this connection, it may be recalled that in the same resolution, the Sub-Commission invited the Secretary-General to recommend to the International Labour Organisation that it consider the possibility of holding a seminar or workshop on debt bondage, in relation to and in coordination with other organizations and agencies of the United Nations system. Consultations on the organization of such a seminar or workshop are currently being held between the International Labour Office and the United Nations Secretariat.

8. The Commission on Human Rights, in its resolution 1991/55 of 6 March 1991, endorsed the views expressed by the Sub-Commission on the need to adopt a concerted programme of action to combat the exploitation of child labour and decided to transmit the draft programme of action annexed to the resolution to Governments, the specialized agencies and intergovernmental and non-governmental organizations for their comments, and requested the Secretary-General to submit a summary of the replies received to the Commission at its forty-eighth session. In its resolution 1991/54 of 6 March 1991, the Commission decided to examine both the draft programme of action and the report of the Secretary-General at its forty-eighth session.

9. In addition to the above-mentioned action taken by the relevant United Nations bodies, the International Labour Organisation (ILO) has given priority to the elimination of child labour in dangerous occupations and industries and to the prohibition of work by very young children. Its work includes the collection and dissemination of information, public awareness-raising campaigns, assistance in policy and programme development and, of course, the promotion of international labour standards and their application. The efforts of ILO to abolish child labour took on a new dimension with the adoption, in 1973, of a new general Convention concerning Minimum Age for Admission to Employment (Convention No. 138). As at 19 June 1991, the Convention had been ratified by 40 countries. As stated in its preamble, the aim of that Convention was gradually to replace the existing instruments applicable to limited economic sectors "with a view to achieving the total abolition of child labour".

10. In addition, the International Labour Conference adopted Recommendation No. 146 to supplement the Minimum Age Convention in which the Conference recommended that high priority be given to planning for and meeting the needs of children and youth in national development policies and programmes and that States Members take as their objective the progressive raising to 16 years the minimum age for admission to employment or work specified in pursuance of article 2 of the Convention in all sectors of economic activity. Countries in which the minimum age for admission to hazardous work is still below 18 years should take immediate steps to raise it to that level. In determining the types of employment or work to which article 3 of the Convention applies, full account should be taken of relevant international labour standards, and the types of employment or work should be re-examined periodically in the light of advancing scientific and technological knowledge.

11. The age at which an activity is considered inappropriate depends to some extent on the activity. However, there is a minimum age under which, as a general rule, children should not be allowed to work in any economic activity. The ILO standards set this minimum age at between 12 and 15 years, allowing only limited exceptions. Not every kind of activity by children should be forbidden by national legislation, nor is it by ILO standards. Work within the family circle, for example, should not in general be considered undesirable. What ILO instruments do prohibit is the imposition on children of labour which calls for greater physical and mental resources than they normally possess or which interferes with their educational development. In 1983, the International Labour Conference again discussed child labour in its plenary session. It concluded that, despite extensive legislation in many countries to ban child labour, the exploitation of the weakest was far from being eliminated and that the way to effective abolition lay in the improvement of living standards in the poorest countries.

12. The Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 prohibits the exploitation of child labour in cases where children are delivered to another person for that purpose. Article 1 of the Convention states:

> "Each of the States Parties to this Convention shall take all practicable and necessary legislative and other measures to bring about progressively and as soon as possible the complete abolition or abandonment of ...
> (d) Any institution or practice whereby a child or young person under the age of 18 years is delivered by either or both of his natural parents or by his guardian to another person, whether for reward or not, with a view to the exploitation of the child or young person or of his labour."

13. Furthermore, the attention of the Commission on Human Rights is drawn to the International Covenant on Economic, Social and Cultural Rights, which contains provisions imposing a general prohibition on the employment of children under a certain age and the employment of children in work constituting a threat to their health or their morals. More especially, article 10, paragraph 3, provides that:

> "... Children and young persons should be protected from economic and social exploitation. Their employment in work harmful to their morals or health or dangerous to life or likely to hamper their normal development should be punishable by law. States should also set age limits below which the paid employment of child labour should be prohibited and punishable by law."

14. The Convention on the Rights of the Child, in article 32, urges States Parties to recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

15. Finally, mention should be made of the Assembly of Heads of State and Government of the Organization of African Unity which, at its twenty-sixth ordinary session held at Addis Ababa in July 1990, adopted the African Charter on the Rights and Welfare of the Child, in which the hazardous nature of child labour was mentioned.

16. As at 8 November 1991, replies concerning the draft programme of action had been received from the following States: Bahrain, Bangladesh, Brunei Darussalam, Chile, Colombia, Cuba, Cyprus, Egypt, Ireland, Namibia, Pakistan, Panama, Papua New Guinea and Spain.

17. Replies were also received from the following United Nations bodies and specialized agencies: Centre for Social Development and Humanitarian Affairs, United Nations Development Programme, International Labour Organisation, United Nations Educational, Scientific and Cultural Organization and World Health Organization.

18. The following non-governmental organizations submitted information: Caritas-Lima, Friends World Committee for Consultation (Quakers), The International Association of Lions Clubs - Lions Club International, International Federation Terre des Hommes.

19. In the light of the above, the present report analysing the replies received was prepared in compliance with Commission on Human Rights resolutions 1991/54 and 1991/55 and thus follows the structure of the draft programme of action for the elimination of the exploitation of child labour. Therefore, its main body contains nine sections: I. General, II. Information, III. Educational and vocational training, IV. Social action, V. Development aid, VI. Labour standards and their application, VII. Duties of States, VIII. Role of United Nations organs and specialized agencies and IX. Cooperation at the local, national and international levels.

I. GENERAL

20. The Government of Cuba reiterates that exploitation of child labour is a scourge which afflicts many children throughout the world and is becoming more acute in the underdeveloped countries. However, the root causes of such exploitation can be eliminated from any country if the appropriate policies are adopted for the implementation of economic and social development strategies that provide guarantees for the normal and happy development of the child. The Government of Cuba attaches great importance to the care of children and young people. The Government believes that it is of the utmost urgency that, in countries where exploitation of child labour still persists, campaigns should be launched against such exploitation to enable measures to be adopted and supported by genuine political will, in order to put an end to child labour and to give children the opportunity for full and happy development.

21. The Government of Egypt notes that the preamble to the draft programme of action indicates that the phenomenon of the exploitation of child labour as a means of combating poverty is widespread in the developing countries and urges States and Governments not to solve the problem of development through child labour. In this connection, account must be taken of local and regional

systems for raising children, particularly in the developing countries where such systems cover the agricultural and agro-industrial sector and the craft and manual labour sector, as well as seasonal activities in both those sectors and in the commercial and intermediate sectors. These activities constitute the principal source of livelihood of certain towns, villages, urban districts or households and the groups or communities engaged therein acquire special skills and experience which their members are eager to inherit and pass on to succeeding generations as a form of legacy that must be preserved. This should not be regarded as direct exploitation of child labour; in fact, it closely resembles a form of family or community-based apprenticeship or vocational training and is recognized and accepted as such by all, particularly since it is a parallel form of general education, with which it does not conflict. Accordingly, the Government of Egypt proposes that the title of the programme should be changed to "Programme of action for the elimination of unlawful or unacceptable practices in the employment of child labour".

22. The Government of Niger notes that phenomena similar to the exploitation of child labour are becoming increasingly common in urban areas and are matters of concern to the authorities of Niger in more than one regard:

Use of children as guides for begging by their handicapped parents;

Use of young girls for the purposes of hawking by their mothers who are kept confined;

Exploitation by marabouts of the labour of children enrolled in Koranic schools.

23. The Government of Pakistan states that the guarantee of fundamental rights of the people of Pakistan to democracy, freedom, equality, tolerance and social justice as recognized in the Constitution of Pakistan finds its inspiration in and is deeply moored to the moral and ethical teachings of Islam which also govern the general social milieu in the country. This in itself constitutes a strong deterrent against child prostitution, pornography, the sale of children and other forms of child abuse.

24. The Government of Spain considers that the bulk of the measures proposed by the Working Group on Contemporary Forms of Slavery already exist in Spain; nevertheless, the need for strict observance of the applicable rules and their monitoring by the Labour Inspectorate should be stressed. Without prejudice to any comments the Ministry of Labour might wish to make, this programme is of great value for the protection of children and should therefore be supported.

25. The International Federation Terre des Hommes proposes that, in paragraph 3, the words "and degrading" should be added after the word "odious" and that the words "or for enforced begging" should be added after the words "dangerous occupations". In paragraph 7, the words "(including the international debt)" might be added after the word "economic" in the last line.

26. The Friends World Committee for Consultation (Quakers) notes that the Commission on Human Rights has stated that high priority should be given to the elimination of employment of children in dangerous occupations. It points out that "the international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children in armed conflicts or military activities".

27. Not all forms of the militarization of the child can be characterized as child labour. On the whole, children do not go to war for economic gain or to advance their careers. They are moved by patriotism to defend their country; they are moved by their religious faith to seek martyrdom in war; they are stirred by the idea of freedom to join the national liberation movements. However, there are practices which come close to the civilian conceptions of child labour and work for a daily living. In the industrialized countries, the usual age of military recruitment is now set at 16 or more. In countries with a volunteer army, recruitment propaganda for the 15-18 age group is often aimed at the underprivileged, and it tends to call attention to the non-military aspects of life in the armed forces and to encourage enlistment for motives of training and paid employment. In a few developing countries, youth under the age of conscription join the army to have a job; recruiters have been known to be a little careless about the age of volunteers. In several countries, the absorption of war orphans into the military is practised by both government and resistance forces. Some child soldiers are orphans who join the army because they have nowhere else to go. The army offers them a home, then training, and then an opportunity for revenge against those who had killed their parents.

28. While the Geneva Conventions of 1949 and the Additional Protocols thereto and the Convention on the Rights of the Child protect children under 15 from recruitment into the armed forces, no machinery has been set up for stopping forced conscription by Governments and the armies of the opposition. Nor have standards been set for the military education offered by the armed forces for children. The Working Group on Contemporary Forms of Slavery should be encouraged to consider how a thorough study of the working conditions of the child soldier might be made, and how veterans' organizations might adopt concern for exploited child soldiers. If war is considered as a dangerous occupation, child soldiers should be protected by legislation as thorough as that for children in the civilian sector. The child soldier who is a victim, not a volunteer, needs more protection. Those responsible for the military code should be held to standards as strict as those being reinforced in the labour market.

II. INFORMATION

29. The Office of the President of the Republic of Colombia has in recent months carried out a major information campaign through the media (the press, radio and television), directed, in particular, at informing children of their inalienable rights. The title chosen for the campaign is "No hay derecho pequeno" ("There are no small rights"). In addition, distribution of the leaflet "El alegria de ser" ("The happiness of being alive") in all the nation's schools, including those located in remote regions, has just been completed. The leaflet is designed to promote awareness among children and young people of the basis, significance, importance and implementation of

human rights which allow them to develop the necessary aptitudes and attitudes to take their place as responsible citizens within society and actively to exercise those rights.

30. The Government of Cyprus suggested the following addition to paragraph 10 of the draft programme of action:

(a) To urge public and private institutions and agencies dealing with children who have been victims of labour exploitation to keep appropriate statistical information for scientific purposes, while respecting anonymity and confidentiality;

(b) To encourage cooperation between police and all public and private organizations handling cases of exploitation of child labour within the family or outside of it, in order to enable them to identify cases of exploitation of child labour and to take the necessary measures.

31. The Government of Panama has no national statistics indicating the extent of the problem of the exploitation of child labour. Panama is aware that children are used for work in agriculture and in domestic service, among other occupations, but it does not have precise figures. The Government has encouraged the mass media, through activities such as public forums and publicizing the Convention on the Rights of the Child, to make children aware of their rights and to make them understand the dangers they are exposed to in the types of work which they do. Unfortunately, adults in Panama are increasingly making use of children for drug trafficking and other criminal purposes, manipulating them and inducing them to commit offences; adult criminals shelter behind them because they are not convicted for minor offences. Through a public information campaign aimed at children and their relatives, Panama is trying to prevent such activity.

32. The International Federation Terre des Hommes proposes that, in paragraph 10, the words "(including in the industrialized countries)" should be added after the word "national" in the second line and that the words "in order to break down the barrier of silence surrounding this practice" should be added at the end of the first sentence.

III. EDUCATIONAL AND VOCATIONAL TRAINING

33. The Government of Bangladesh affirms that the adoption of compulsory primary education and the extension of free education facilities up to class VIII for female children in rural areas are likely to mitigate the problems faced by children in Bangladesh by providiing underprivileged children with adequate preparation before they enter the employment market.

34. Chapter 2, article 67, of the new Constitution of Colombia, promulgated on 5 July 1991, affirms the right of individuals to education, as a public service that performs a social function: "education provides access to knowledge, science, technology and to the whole range of cultural benefits and values". The Constitution stipulates that public education shall be free and compulsory for children aged 5 to 15. The State shall bear the responsibility for ensuring the quality of education and for the management, financing and administration of the educational system.

35. The Government of Cuba notes that at present, 98 per cent of children between the ages of 6 and 14 are enrolled in school, testimony to the fact that access to education has reached very satisfactory levels. Special education is provided throughout the country for physically handicapped children and young people. Those who have to remain confined at home because of physical problems or are hospitalized for long periods are taught and given examinations in those places, to ensure their continuing education. The State, together with community organizations, works to reintegrate young people who drop out of school before they reach the statutory minimum working age into the education system. To that end, vocational schools have been set up to provide them with manual skills setting up by multi-purpose workshops combining work and study.

36. The Government of Namibia believes that children of school age can be equipped psychologically and morally through suitably designed educational programmes. To achieve this, the Ministry of Education and Culture has included syllabuses for "Life skills" and "Religious and moral education" in its school curriculum. The Ministry of Education and Culture realizes the link between child labour and illiteracy, and for this reason a network of literacy classes has been established in Namibia. Children who for some reason are not able to attend school are thus given the opportunity to become literate.

37. To combat early school drop-out, the Ministry is undertaking research in and restructuring of basic education which will probably culminate in a system of automatic promotion through the first seven years of schooling. Drop-outs and wastage due to examination failure will thus be eliminated. More children will consequently be kept at school and be exposed to educational influence up to the end of the primary phase.

38. With regard to paragraph 15 (b) of the draft programme of action, opportunities and facilities for the education of the Namibian child are provided by the Government free of charge. Not all children of school age are being reached at present, but expansion and qualitative improvements are identified as priorities of the Government. As to paragraph 15 (b), all forms of corporal punishment were abolished and prohibited in Namibian schools as from February 1991.

39. Compulsory, free education is a stated goal of the Government. Full achievement of this ideal is dependent on the availability of financial and human resources. Relevant school curricula in preparation for a career are given full attention. Various prevocational skills are already included in the new junior secondary curriculum. This philosophy will be extended to new curricula to be developed for the upper primary and senior secondary levels.

40. The Government of Panama shares the concern regarding the need to create a massive literacy programme in response to the needs of the most vulnerable sectors of the population, offering them a better standard of living and greater opportunities. Existing programmes are directed at the adult population, not at children. In Panama, primary education is free and compulsory; unfortunately, there is a great deal of school wastage, especially among the poor, who have other more immediate needs such as food, clothing and housing, which they are sometimes unable to satisfy.

41. Caritas agrees that education should be consolidated and oriented towards development, from the child's earliest years. Access to regular basic education should be placed on a solid basis. It is a nationwide characteristic of Peruvian society, especially in rural communities where women have no opportunities for education, that illiteracy rates are high. Caritas favours strengthening adult literacy programmes, with priority being given to women; vocational training for teachers and pupils; and amending education sector policies so that children can be prepared for an active adult life in the short or medium term. To reduce drop-out rates, adequate timetables must be established in educational centres for those children who have entered the labour market at an early age, so that the school adapts itself to the time children have available for their education, and not the other way round; children will then have opportunities to use their free time for the recreation and sport to which they are entitled. The Peruvian Education Act should contain provisions to promote and facilitate teaching in classrooms so that children are not asked to provide materials that they cannot afford and facilities are adapted to their special situation.

IV. SOCIAL ACTION

42. The Government of Bangladesh has created the "Pathakali Trust" which provides food, shelter and education to underprivileged children who are found doing odd jobs in the unorganized sectors of the economy. The work of the Trust has already been acclaimed in different forums including the United Nations. A "Central cell for preventing oppression of women and children" has been operating under the Ministry of Women's Affairs to protect the interests of women and children. The Ministry of Home Affairs has undertaken a programme to prevent prostitution, including child prostitution.

43. The Government of Colombia reports that the Colombian Institute of Family Welfare (ICBF) was established by Act No. 75 of 1968 to provide specialized state services for minors and families. ICBF is responsible for the provision and organization of preventive and special care for Colombian children.

44. In recent years, Colombia has made considerable progress in the field of child and family protection. Measures include the adoption of Decree-Law No. 2737 of 1989 (Minors' Code), the establishment of the Office for the Protection of Minors and of the Family, the establishment, by Decree-Law No. 2272 of 1989, of a special system of 322 family, juvenile and mixed courts in the country's largest towns, the establishment of the Office of the Presidential Adviser on Women, Youth and the Family, and the signing and ratification by the Government of the Convention on the Rights of the Child.

45. The Government of Cuba states that, as a result of measures guaranteeing job security for parents so that they can support their families, many children who formerly had to work to provide for themselves and their families no longer need to do so. In the area of education, top priority has been given to a radical transformation of the situation inherited from previous regimes, under which children and young people were at a serious disadvantage.

46. In order to highlight the importance they attach to young people, the competent authorities of the Republic of Niger decided to set up the Ministry of Social Affairs for the Advancement of Women, which is responsible for

action to prevent social problems and all other forms of social marginalization. As a result, structures have been established for the care, education and training of children and young people, such as the Dakoro Rehabilitation Centre, the Red Cross Shelter for Abandoned Children, sewing and cooking classes for women, schools for disabled persons, etc.

47. The Government of Pakistan has established a task force in the Special Education and Social Welfare Division and in the Division of Planning and Development to prepare a national plan of action in accordance with the decision of the World Summit for Children and the United Nations Convention on the Rights of the Child.

48. The Government of Panama agrees that the exploitation of child labour is a growing phenomenon with serious social repercussions for the country's children. The economic crisis and unemployment have severely hit the most vulnerable sectors of the country's population, causing poverty and obliging children to seek means of subsistence. Hence the increase that has been observed in the number of street children and other children trying to gain daily sustenance by engaging in activities in the street. Programmes such as Ninos de la calle (Street children) and Padrino empresario (The business sponsor) have been promoted to prevent the exploitation of child labour, to improve school performance and to prevent the maltreatment of those at risk.

49. The Government of Panama has made great efforts to prevent child prostitution and the employment of children in dangerous occupations by offering guidance to parents and children and by placing the latter in foster homes when necessary. The Juvenile Protection Court is currently operating three programmes in which children work and are cared for by pychologists and social workers, the aim being to reincorporate them in the educational system. In addition, medical and psychiatric care is provided to children, and to their families when required. The programmes are Padrino empresario, Soy empresario (I am a businessman) and Ninos de y en la calle (Street children and children in the street).

50. According to Caritas, the Government of Peru, in conjunction with the other sectors, must promote economic growth in order to narrow the poverty gap and thus be in a position to promote the general well-being of children through the efficient operation of services (health, education, nutrition, housing, etc.). There should be an international consensus whereby the developed countries will promote policies in support of the less developed countries, ensuring that payment of the latter's external debt is not an obstacle to their growth and normal development. This will create favourable conditions for the most vulnerable sectors of society. The situation of general crisis which has been growing more serious in recent years in the political, economic, cultural and moral spheres of society has had a great effect on the more vulnerable sectors, and especially on children in difficult circumstances (street children, displaced children, disaster victims, working children, disabled children, delinquent children, etc.), towards whom society's attitude appears insensitive and indifferent. In this situation, it is necessary to emphasize the studies being carried out in all countries on the task to be undertaken by the State, together with the family and the community, of ensuring the all-round development of these children.

V. DEVELOPMENT AID

51. Dr. Luis Fernando Jaramillo, Minister for Foreign Affairs of Colombia, stated at the forty-seventh session of the Commission on Human Rights, the minimum revenues and basic care needed to guarantee the dignity of children and the elderly will always be wanting until the problem of poverty and development has been solved. This underscores the need for a net transfer of resources and technology from the industrialized world to the developing countries. Colombia endorses the idea of a commitment on the part of the international community to the implementation of specific projects and development assistance, as proposed in paragraph 13 of the draft programme of action.

52. The Government of Egypt proposes the establishment of an international child welfare fund, financed by a proportion of the contributions of States to international organizations and banks. The resources of the fund would be allocated to combat international violations of the rights of the child, particularly in occupied territories, in territories under the apartheid regime and in the case of children of immigrants and refugees, to help the developing countries to ensure that their children enjoy the rights provided for in the Convention on the Rights of the Child and also to provide assistance in this field in such a way as to ensure that such assistance reaches the children concerned.

53. The Government of Niger would like paragraph 13 of the draft programme of action to refer not only to the commitment of the international community, but also to its duty to support programmes of action to combat underdevelopment in general and the problems of the exploitation of children and of child labour in particular. The Government of Niger also proposes that this paragraph should be entitled "Duty of the international community towards countries facing these problems".

54. In Pakistan, a plan for the rehabilitation of children in difficult situations, particularly for working children, is under preparation with the collaboration of UNICEF, ILO and local authorities.

55. In its letter of 28 September 1990, the Government of Germany informed the Director-General of ILO of his Government's decision to make a special annual contribution of DM 10 million to help finance the ILO programme on child labour. This contribution will be paid over several years. The offer follows the decision of the Director-General to make the elimination of child labour a major theme of integrated and concentrated ILO action. There are reasons to believe that the decision of the Government of Germany will be followed by similar decisions in other countries. The Office is therefore establishing an international programme on the elimination of child labour which will ensure the development and implementation of a comprehensive and coherent global programme of work, and which will be financed through contributions from the regular budget of ILO, the Government of Germany and other donors.

VI. LABOUR STANDARDS AND THEIR APPLICATION

56. The Labour Act of Bahrain governs the employment of young persons and sets forth the regulations needed for their protection. Article 50 of the Labour Act, which was promulgated in Legislative Decree No. 23/1976, prohibits the employment of persons under 14 years of age; a permit must be obtained from the Ministry of Labour and Social Affairs before they can be employed. The Act prescribes penalties to deter employers from violating these regulations.

57. Bangladesh, as a member of ILO, has been following very faithfully the provision of Convention No. 138 on the minimum working age, as reflected in various laws and regulations of the land, despite the fact that it has not yet ratified the Convention. For example:

(a) As per article 66 of the Factories Act, 1965, no child who has not completed 14 years of age shall be required or allowed to work in any factory;

(b) Article 70 of the same Act provides that no child or adolescent shall be required or allowed to work in any factory (i) for more than five hours a day and (ii) between the hours of 7 p.m. and 7 a.m.;

(c) In accordance with article 72 of the Act, the manager of every factory in which children are employed shall maintain a register of child workers to be available to the inspector at all times during working hours, showing (i) the name and date of birth of each child and adolescent worker in the factory; (ii) the nature of his work; (iii) the group, if any, in which he is included; (iv) where his group works on shifts, the relay to which he is allotted; (v) the number of his certificate of fitness;

(d) As per section 3 of the Employment of Children Act, 1938, no child who has not completed his fifteenth year shall be employed or permitted to work in any occupation (i) connected with transport of passengers, goods or mails by railway; or (ii) involving the handling of goods within the limits of any port;

(e) Section 4 of the said Act provides for a penalty of Tk 500 for violation of the provisions of the Act. Section 6 allows the Government to appoint inspectors for the purpose of securing compliance with the provisions of the Act;

(f) Sections 4, 5 and 6 of the Children (Pledging of Labour) Act, 1933, provide respectively for penalties against a parent or guardian making an agreement to pledge the labour of a child, for making an agreement with a parent or guardian to pledge the labour of a child, and for employing a child whose labour has been pledged;

(g) An inspection service was created in Bangladesh in the latter part of the nineteenth century to inspect the working conditions of industrial workers, including children. Circumstances have since changed, and this has brought about a change in the policy and thinking of the Government. Now, a full-pledged Department of Inspection for Factories and Establishment is responsible for inspecting the working conditions of workers.

58. The Government of Colombia states that articles 242, 243 and 244 of chapter 2 of the Minors' Code, entitled "The working day and wages", stipulate the maximum duration of the working day for minors and lay down a number of rules relating thereto. In addition, article 44 of the new Constitution sets out the following fundamental rights of children:

> "Life, physical integrity, health and social security, a balanced diet, the right to a name and to nationality, to have a family and not to be separated from it, the right to care and love, to education and culture, to leisure and the free expression of opinions. Children shall be protected against any form of neglect, physical or mental duress, abduction, sale, sexual abuse, exploitation at work or economic exploitation and dangerous work. They shall also enjoy all the other rights laid down in the Constitution, in the law and in international treaties ratified by Colombia".

59. The Government of Cuba has initiated laws such as the Labour Code to provide protection for children. This Code sets the legal working age at 17 and stipulates that under exceptional circumstances adolescents of 15 and 16 may be allowed to work, but to do so they require special permission from the State Labour and Social Security Committee, which is the principal agency responsible for labour matters.

60. The Labour Code sets forth a number of guarantees for young people before they take up employment, for example: a medical examination to determine their physical and psychological ability to work, a work day not exceeding seven hours, a work week not exceeding 40 hours and no work on rest days. Adolescents must be employed in jobs suited to their physical and mental development. Consequently, dock work or any form of employment requiring the handling of extremely heavy weights, the extraction of minerals, or work in places where harmful, reactive or toxic substances are used, night work, work at great heights, or work in which they are responsible for their own safety or the safety of others are prohibited.

61. In order to monitor compliance with the provisions of the Labour Code, the National Labour Inspection Scheme was established, under which a corps of expert labour inspectors checks to ensure that the law is being applied correctly and penalizes any person found violating it. Adolescents between the ages of 14 and 16 who are given special permission to work are guaranteed avantageous conditions by the State for on-the-job training. While they are being trained, they are paid an allowance, which is enough to defray their personal expenses.

62. Niger has ratified, inter alia, the Convention on the Rights of the Child. Provisions prohibiting child labour are also included in the Labour Code and institutional measures have been adopted for the full implementation of these texts. Two texts, one relating to the Rural Code and the other to the Family Code, are being prepared. Niger has also ratified a number of international conventions relating to children, including:

The ILO Minimum Age Convention (No. 138);

The ILO Minimum Age (Industry) Convention (No. 5);

The ILO Night Work of Young Persons (Industry) Convention (No. 6).

63. The Panamanian Labour Code stipulates that only children over 14 years of age may work, that children under 15 years of age who have not completed their primary education may not work, as well as other provisions (arts. 117-124 of the Labour Code). Penalties are imposed on adults who impair the moral, physical or mental integrity of a minor, as in the cases indicated in paragraph 14 (a), (b) and (c) of the draft programme of action. In addition, the Government of Panama approved, by Act No. 15 of 6 November 1990, the Convention on the Rights of the Child, thus placing children at the forefront of its protection policy.

64. Article 34-A of the Civil Legislation contains the following definitions of age levels:

> "A person who has not reached the age of 7 years shall be known as an infant or child; a boy who has not reached the age of 14 and a girl who has not reached the age of 12 shall be known as a young person (impúber); anyone who is no longer a young person shall be known as an adult; anyone who has reached the age of 18 shall be considered to be of full age, and anyone who has not reached the age of 18 shall be known as a minor."

This classification brings with it rights and obligations, together with limitations peculiar to each age level. Nevertheless, minors who have lost their father and mother are granted a special legal capacity provided they have reached the age of 15 and have received the approval of the Department of Public Prosecution, after it has been ascertained that it is appropriate for the minor in question to be awarded this privilege. This capacity does not give him political rights or the right to dispose of his assets; for this purpose he requires the authorization of a guardian (Civil Code, arts. 209, 210, 212 and 213).

65. In Pakistan the principles recognizing the inherent dignity and the inalienable rights of the members of the citizenry are fully enshrined in the Constitution. Article 11, clause (3), chapter 1, of the Constitution prohibits the exploitation of children. In regard to contemporary forms of slavery, the Constitution of Pakistan affords full protection to all its citizens, including children, through its article 11, clauses 1 and 2. Penalties in this respect have been provided for, making slavery in all its forms a completely unacceptable practice in Pakistan.

66. In Pakistan, to deal with the issues of: employment before the normal age of completion of primary schooling in the country; underage domestic service; night work; work in dangerous or unhealthy conditions; work concerned with trafficking in and production of illicit drugs; and work involving degrading or cruel treatment, the following legislative remedies exist:

(a) The Children (Pledging of Labour) Act, 1973;

(b) The Factories Act, 1934;

(c) The West Pakistan Shop and Establishments Ordinance, 1969.

These laws are designed to prevent child labour and to protect children from labour of an exploitative nature. The Employment of Children Act, 1938 has recently been replaced by an important and far-reaching act of the national parliament called The Children Employment Act, 1991 which specifically aims to improve the situation of working children and is yet another step towards realizing the goals set forth in the Convention on the Rights of the Child.

67. In regard to the statutory provisions concerning bonded labour, a bill is under consideration for introduction in the national Parliament of Pakistan. According to the proposed bill, any person found to be exacting bonded labour shall be liable to be punished with imprisonment and fines. For monitoring implementation, vigilance committees shall be formed comprising elected representatives of the people, leaders of public opinion, lawyers and representatives of district administration, social services and labour departments of the provincial and federal Governments.

68. The International Federation Terre des Hommes proposes that, in paragraph 14, the words "and establish an effective labour inspection system" should be added after the words "who break this law".

VII. DUTIES OF STATES

69. Bangladesh has ratified the Convention on the Rights of the Child and is implementing its provisions.

70. The Government of Colombia reaffirmed its determination to defend fundamental rights when, by Act No. 12 of 1991, it adopted the Convention on the Rights of the Child, and deposited the relevant instrument of ratification in January 1991. The Government is implementing programmes of action and adopting the necessary preventive and corrective measures to combat all forms of exploitation of child labour or the use of children for unlawful ends, in order to implement the provisions of the Convention.

71. The Government of Cuba has joined other countries in showing concern regarding the protection of children by ratifying many conventions concerning the establishment of a minimum age for employment in certain sectors and specific conditions of employment of children. It is among the member countries of ILO which ratified Convention No. 138 concerning minimum age for admission to employment.

72. The rights of the child are set out in article 15 of the Constitution of Namibia. The Ministry of Labour and Manpower Development has established a special section which deals with disadvantaged women and children. This section particularly deals with all matters relating to women and child labour disputes. It also protects children at their places of work. One of its

tasks is to ensure that all discriminatory laws are abolished and that all legal provisions concerning women and children are observed. Non-formal education to meet the needs of street children has been implemented.

73. The Convention on the Rights of the Child was ratified by Panama on 1 November 1990. ILO Convention No. 138 has not yet been ratified by Panama, but other conventions containing standards for the employment of minors have been ratified. These include the Minimum Age (Trimmers and Stokers) Convention (No. 15), the Minimum Age (Sea) Convention (Revised) (No. 58) and the Medical Examination of Young Persons (Industry) Convention (No. 77). This is of great importance for the development of child protection programmes. There is a gap between legislation and its implementation in practice; policies must be prepared and executed to ensure that the provisions of the Convention on the Rights of the Child are complied with.

74. Preventive and curative measures are being taken to prevent the exploitation of child labour, but they have to be stepped up in order to ensure that such situations do not occur. For example, in Panama primary education is compulsory and free for all and there are programmes for making families aware of the importance of schooling. However, the programmes have not been succesful since the school drop-out rate is high; many children do not even manage to finish their primary education. It is therefore necessary to intensify training programmes and seminars for persons working or dealing with employed children.

75. It is very important to have a sufficient number of work inspectors and to train them so as to prevent the exploitation of child labour; it is essential to have institutions which promote the rights of children and protect them against any form of exploitation and maltreatment. Panama is making efforts in these and related areas.

76. Caritas would like the Peruvian Government to allocate a budget for the purpose of providing support to the non-governmental organizations working directly with children in especially difficult circumstances, and establish constructive cooperation with those organizations. The institutions housing children at great risk should be reorganized so that the objectives for which they were established are attained and children can find an appropriate environment for their training in which they will receive not only protection, but affection. Every child should have access to social security, without any type of discrimination and on the basis of policies designed to meet his basic needs. Work by children under the age of six should be prohibited by Peruvian legislation and their development and protection promoted. The provisions of the Convention on the Rights of the Child should be disseminated and the Convention should be ratified by Governments. Legislation should incorporate proposals originating from the grass-roots organizations actually working with children.

77. The International Federation Terre des Hommes proposes that, in paragraph 23, a sentence should be added on the importance of support for the family values in order to protect children from exploitation, particularly in connection with the International Year of the Family.

VIII. ROLE OF UNITED NATIONS ORGANS AND SPECIALIZED AGENCIES

78. The Government of Egypt states that the realization of the rights and freedoms of all children throughout the world is a responsibility that transcends territorial considerations and assumes a universal dimension. The developing countries therefore believe that the United Nations, in its capacity as the body representing the international community, should assume its responsibilities in this field in a more positive and effective manner without confining itself to the mere receipt and discussion of reports.

79. The Government of Panama states that specialized agencies should further develop their activities in the field of child labour. This point must be taken up in the labour legislation of every country, preventing the exploitation of child labour and establishing a minimum working age. United Nations bodies concerned with human rights should continue to deal with the matter within the framework of the rights of the child in general. It is very important to carry out worldwide research to publicize the various qualitative and quantitative aspects of the exploitation of child labour and to make people aware of the magnitude of the problem. There is an urgent need to develop programmes to eradicate the exploitation of child labour, focusing on the economic, social, legal and cultural factors that give rise to it.

80. The Crime Prevention and Criminal Justice Branch of the Centre for Social Development and Humanitarian Affairs, United Nations Office at Vienna, is currently involved in assessing the typology of criminal activities which benefit or profit from the instrumental use of children, as well as identifying the problems linked with, and the causes of, this form of child exploitation. Focus is being placed on the global phenomena of child prostitution and pornography, as well as on the instrumental use of children by organized crime syndicates. The Branch is also looking into the work currently being undertaken by international bodies and non-governmental organizations on children in difficulties, as it relates to exploitative practices leading to the use of children in criminal activities. The situation in different parts of the world is being studied, with a view to developing comprehensive policies and viable programmes of international cooperation for the protection of these children.

81. In the 1992-1993 biennium, the International Labour Office will start a programme on the elimination of child labour. This programme aims to promote the ratification and wider observance of international labour standards on child labour, especially the Minimum Age Convention, 1973 (No. 138), and its accompanying Recommendation (No. 146). More specifically, the aims of the programme are:

(a) To improve the capability of ILO member States to design and implement policies and programmes which would help them narrow the gap between national law and practice;

(b) To identify policy options, strategies and practical measures against child labour, including the development of improved methods and instruments to ensure the application of national laws; and

(c) To heighten the awareness of member States and the international community as a whole as to the dimensions and consequences of child labour and national obligations under international labour law.

The programme will give particular attention to preventing the employment of children in hazardous work or employment, and protecting the youngest and most vulnerable children.

82. Work in this field carried out with resources from the regular budget will be complemented by other activities financed from extrabudgetary resources which have enabled ILO to expand its work further and establish an international programme on the elimination of child labour. The programme has been made possible by a special voluntary contribution from Germany. This global programme will be characterized by practical action mainly at the national level. It will include activities aimed at child labour in hazardous occupations and industries, child protection and development, institution building, improved policy and programme development, and at intensifying the involvement of non-governmental international organizations, employers' and workers' organizations, political leaders and the media in the campaign against child labour. In carrying out this work, the Office intends to collaborate closely not only with Governments, but also with non-governmental organizations and employers' and workers' organizations, as well as international organizations, especially those within the United Nations system.

83. The following could be considered as indicators of the impact or success of the programme:

(a) Increased commitment by Governments, which could take the following forms:

(i) Ratification of the Minimum Age Convention, 1973 (No. 138);

(ii) Policy statements committing Governments to action;

(iii) Specific action programmes and projects; and

(iv) Requests for ILO technical assistance in policy formulation and implementation, and an expanded programme of technical cooperation;

(b) A significant increase in coverage of child labour issues in national and international media and in various forums;

(c) An enhanced campaign against child labour by non-governmental organizations, human rights groups, employers' and workers' organizations, women's groups, community organizations and other similar groups; and

(d) Increased interest and requests for information from around the world.

In other words, the work carried out under the Programme is intended to have an impact on the world's children through practical action and a wider public awareness of their conditions and needs.

84. By far the most important component of the programme will consist of activities which will be carried out at the national level. The aim of this cluster of activities is to build the capability of member States to establish and implement policies and programmes for the elimination of child labour and the protection of working children. In promoting and supporting national action, ILO assistance will concentrate on children working in hazardous occupations and industries, and on areas or regions of high concentration of child labour.

85. The World Health Organization initiated a programme on child labour and health in 1980 and set up a task force consisting of experts, investigators, research scientists, representatives of agencies such as ILO, UNICEF, International Society for Prevention of Child Abuse and Neglect (ISPCAN) and Defence for Children International (DCI). The steering committee of the task force held meetings in September 1982, May 1984, December 1985 and January 1987. The first steering committee meeting in September 1982 highlighted the specific areas for cooperative efforts; the second meeting recommended important issues for inclusion in future research.

86. During the period 1982-1988, WHO supported studies in Egypt, India, Kenya and Sudan. National workshops were convened in India and Kenya in 1982. Eighteen publications on child labour and health and child abuse were issued from 1982 to 1990.

87. The International Federation Terre des Hommes proposes that, in paragraph 24, UNESCO should be referred to specifically for the role it plays in education. In paragraph 27, the words "and its working groups" might be added after the words "Sub-Commission on Prevention of Discrimination and Protection of Minorities".

IX. COOPERATION AT LOCAL, NATIONAL AND INTERNATIONAL LEVELS

88. The Government of Bangladesh states that a large number of local and international non-governmental organizations have been operating in the country. Some of them have concentrated their efforts in urban areas and on providing training to children for acquiring skills and entering into the employment market with adequate preparation. Some of the non-governmental organizations have also gone to rural areas and offered training and even supplied seed capital to children for self-employment. The Government has created an administrative agency to coordinate the work of non-governmental organizations with those of the official agencies for effective utilization of resources and meeting the expectations of underprivileged children.

89. The Government of Egypt proposes that the draft programme of action should include a recommendation to the effect that an international conference should be convened on this question. Alternatively, one of the meetings of the World Conference on Human Rights in 1993 should be devoted to a discussion of this matter and proposals should be submitted for adoption at that Conference concerning the adoption of an international convention for the prevention and suppression of the exploitation of child labour in unlawful or unacceptable activities. Such a convention would cover the following aspects:

(a) The forms of exploitation to be prevented and suppressed, such as child prostitution, child pornography, the employment of children in dangerous occupations and debt bondage, the sale of children and the use of children for criminal purposes, including the narcotic drugs traffic, and in armed conflicts or activities of a military nature. These are all forms of exploitation which the draft programme designates as the most dangerous, to the elimination of which priority must be accorded;

(b) Ways and means to ensure cooperation among States in order to combat and eliminate these phenomena;

(c) The types of technical and material assistance that the United Nations system can provide in this field;

(d) Ways and means to ensure the accountability of States for breaches of the provisions of the Convention and the imposition of a form of international sanction in this regard.

90. The Government of Panama reiterates that:

(a) International and non-governmental organizations should cooperate and take the necessary measures to create a general awareness among children, young people and adults of the consequences of the exploitation of child labour;

(b) The maintenance of supportive relations between governmental and non-governmental bodies when dealing with child labour problems would increase the chances of success and lead to more extensive coverage of the population;

(c) United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of organizations concerned with the matter;

(d) Support for non-governmental organizations should be given whenever necessary or appropriate, in joint operations to achieve the same objective;

(e) It would be beneficial for all if the competent specialized agencies and United Nations bodies were to promote an information campaign on the subject among the rural population (children, young people, adults) and also among the urban population;

(f) Developing countries need the help of members of the international community in the form of advice and recommendations on the subject of child labour.

91. The International Federation Terre des Hommes proposes that, in paragraph 30, the words ", trade unions" should be added after the word "workers" in the third line and that the following new sentence should be added after the last sentence: "They should undertake to support the development efforts being made by international and local non-governmental organizations and to defend the rights of their members when such rights are threatened". In paragraph 34, the words "an information campaign" might be replaced by the words "a suitable information campaign".

Annex

DRAFT PROGRAMME OF ACTION FOR THE ELIMINATION OF THE EXPLOITATION OF CHILD LABOUR

General

1. In spite of the progress made in combating the exploitation of child labour, in particular through the development of national and international norms which have defined the bases of legal protection, and of mechanisms for monitoring their application, the exploitation of child labour still remains a current and widespread phenomenon of a serious nature in various parts of the world.

2. This phenomenon, which is both complex and worldwide, varies from one country to another. Although the industrialized countries are not spared, it affects the developing countries more particularly, and within each country the more vulnerable groups of the population. Poverty is often the main cause of child labour, but generations of children should not be condemned to exploitation until poverty is overcome. Underdevelopment cannot justify the exploitation of which children are the victims. The Governments concerned and the international community as a whole must not wait for development problems to be adequately solved before attacking the phenomenon of the exploitation of child labour. Besides the long-term action which should be initiated with a view to treating the deep causes underlying the exploitation of child labour, it is essential that urgent measures and medium- and short-term action be taken to meet the immediate needs of the children who are exposed to the gravest dangers, while making sure that such action is integrated into economic and social development strategies.

3. High priority should be given to the elimination of the most odious forms of child exploitation, in particular child prostitution, pornography, the sale of children, the employment of children in dangerous occupations and debt bondage.

4. The international community should place particular emphasis on the new phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including their implication in the narcotic drugs traffic or in armed conflicts or military activities.

5. The action should be directed, first, towards the most dangerous forms of child labour and the elimination of work by children under 10 years of age, with a view to the total elimination of child labour as prohibited by the provisions of the relevant international instruments.

6. Special attention should be paid to the most vulnerable categories of children: children of immigrants, street children, children of minority groups, indigenous children, refugee children, children in occupied territories and those under the apartheid regime.

7. In order to reach the core of one of the prime causes of exploitation of child labour, which is poverty, increased resources should be made available through bilateral and multilateral channels for the elimination of the

exploitation of child labour. Elimination of the phenomena linked with the exploitation of child labour calls for social measures and development assistance. Their prevention will require deep structural reforms in the economic, social and cultural spheres.

8. Particular attention should also be given to social rehabilitation, education and information. It is important that the means of protecting children should be strengthened by development, the reinforcement of legislation and proper application of the relevant laws.

9. Adequate means and concerted measures are necessary at the local, national, regional and international levels.

Information

10. The public could be made aware of the problem and the different aspects of the exploitation of child labour by national and international information campaigns. The extent of the problem cannot be accurately defined by reference to the statistics from various sources. The sectors favouring the exploitation of child labour should be specially targeted (agriculture, non-structured urban sector and domestic service). It is important to reach the children who are the invisible victims of parallel employment networks. At the national level it is necessary to develop means of investigation and supervision by labour inspectors in order to detect and prosecute cases of exploitation of child labour, so as to break up the clandestine employment networks. The information campaign should also be able to reach children directly, in order to inform them of their rights and make them aware of the risks they run.

Education and vocational training

11. There is undoubtedly a link between child labour, illiteracy, school failure and the lack of vocational training. Massive literacy programmes, combined with legislation making basic training obligatory and free, as well as measures to combat school wastage and to develop vocational training, are extremely necessary. Such programmes could be supported by community campaigns to increase the awareness and motivation of families.

Social action

12. The economic and social causes of the persistence of child labour, including the fact that it is seen in many cases as a means of survival for the children and their families, should be taken up in order to offer an alternative that will take the children out of the circle of poverty and exploitation. Urgent measures could be taken on behalf of children who are subjected to high physical and moral risks. It is important to give them protection and assistance, including social and medical assistance, while at the same time pursuing the objective of elimination of child labour. These urgent measures should be backed up by programmes of social rehabilitation.

Development aid

13. For many countries, the implementation of local, regional and national programmes on behalf of children requires appropriate international aid and a deeper commitment by the international community, whether through specific projects or through development assistance.

Labour standards and their application

14. States should adhere to the international standards in force and ensure that they are rigorously applied. It is important that, in accordance with article 1 of International Labour Organisation Minimum Age Convention, 1973 (No. 138), States should undertake "to pursue a national policy designed to ensure the effective abolition of child labour and to raise progressively the minimum age for admission to employment or work to a level consistent with the fullest physical and mental development of young persons". National legislation should explicitly prohibit dangerous or high-risk employment and prescribe penalties for employers who break this law. In at least three cases the exploitation of child labour is no less than a flagrant crime which violates the Charter of the United Nations, the principles of the Charter and the Universal Declaration of Human Rights, the most elementary principles of morality and all positive laws. Energetic repressive action is called for in these cases, namely:

(a) Sale and similar practices (serfdom, bond service, fake adoption, abandonment);

(b) Child prostitution, trafficking in pornography, involving the sexuality of children, and international traffic in girls and boys for immoral purposes;

(c) Under-age maidservants in a position of servitude.

Duties of States

15. States should fully apply the provisions of the Declaration of the Rights of the Child proclaimed by the General Assembly in its resolution 1386 (XIV) of 20 November 1959, and more particularly:

(a) Principle 2, according to which "The child shall enjoy special protection, and shall be given opportunities and facilities, by law and by other means, to enable him to develop physically, mentally, morally, spiritually and socially in a healthy and normal manner and in conditions of freedom and dignity ...".

(b) Principle 9, according to which "The child shall be protected against all forms of neglect, cruelty and exploitation. He shall not be the subject of traffic, in any form ...".

16. States should consider the possibility of ratifying, as soon as possible, the Convention on the Rights of the child, adopted by the General Assembly in its resolution 44/25 of 20 November 1989, and in this context should fully implement, in particular, article 32, which reads as follows:

"1. States Parties recognize the rights of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular:

(a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article."

17. Over 40 countries have ratified International Labour Organisation Convention No. 138. Those that have not done so should take appropriate steps to ratify this Convention. In this connection, greater assistance from the International Labour Organisation should be extended to the developing countries to facilitate their increased participation in standard-setting activities and in the implementation of ratified conventions.

18. States should sign and implement policies and programmes to narrow the gap between legislation and its implementation in practice.

19. States which have not already done so should review their legislation in the field of child labour with a view to the absolute prohibition of employment of children in the following cases:

(a) Employment before the normal age of completion of primary schooling in the country concerned;

(b) Under-age maid service;

(c) Night work;

(d) Work in dangerous or unhealthy conditions;

(e) Work concerned with trafficking in and production of illicit drugs;

(f) Work involving degrading or cruel treatment.

20. States should take preventive and curative measures, including the strengthening of their legislation, to combat the phenomena of the exploitation of child labour, such as the use of children for illegal, clandestine or criminal purposes, including the traffic in narcotic drugs, or in armed conflicts or military activities, or any other form of conflict.

21. States should, where necessary, undertake development programmes with a view to:

(a) Making primary education compulsory and available free to all;

(b) Assisting and encouraging families in order that their children may continue their education, in order to combat the phenomenon of school drop-outs;

(c) Adapting school curricula to the preparation of a child for a career;

(d) Improving the training programmes of professional workers dealing with child labour, in particular labour inspectors, social workers and magistrates, with a view, in particular, to making them more sensitive to the needs of children;

(e) Establishing or improving medical services for children.

22. States should ensure the availability of a sufficient number of work inspectors and train them systematically to deal with cases of exploitation of child labour. Particular attention should be given to national and regional plans for economic and social development for the occupational training of young people. National development plans should also include a section devoted particularly to the employment of young people and to methods of ensuring that the most deprived have sufficient resources to be able to protect themselves from conditions leading to exploitation.

23. All Member States should endeavour to establish national agencies or institutions to promote the rights of children and to protect them from any form of exploitation.

Role of United Nations bodies and specialized agencies

24. The International Labour Organisation should be encouraged in its activities within the framework of its work programme relating to child labour. Other specialized agencies and United Nations bodies should develop or reinforce their activities in the field of child labour.

25. All competent United Nations agencies, development banks and intergovernmental bodies involved in development projects should ensure that no child is employed either directly or through local subcontractors.

26. The United Nations and the specialized agencies, having regard to their special responsibilities in the field of child labour, should pay special attention to the situation of children in South Africa and in the occupied Arab territories.

27. While the question of exploitation of child labour should primarily be dealt with in the International Labour Organisation, the United Nations human rights bodies should continue to be concerned with this question in the framework of the rights of the child in general. The Sub-Commission on Prevention of Discrimination and Protection of Minorities should continue to have responsibility in this field.

28. The United Nations and the specialized agencies, including the United Nations University, should continue to incorporate in their programmes a series of interdisciplinary and multinational projects for comparative research on the various aspects of the exploitation of child labour throughout the world and in particular in the countries of Africa, Asia and Latin America.

29. The United Nations and the specialized agencies should reinforce their programmes related to the elimination of the exploitation of child labour, and in particular to the study of the economic, social, legal and cultural factors which give rise to it.

Cooperation at the local, national and international levels

30. All prinicpal steps should be taken by Governments, international organizations and non-governmental organizations to increase awareness amongst children, parents, workers and employers of the causes and the adverse effects of child labour and measures to combat its exploitation. Such steps chould include the wider dissemination of relevant international instruments translated, where appropriate, into languages other than the offical languages of the United Nations.

31. Support should be given to non-governmental organizations concerned with the problem of child labour, particularly at the community level, and a constructive partnership should be evolved between Governments and non-governmental organizations.

32. The United Nations bodies and the specialized agencies dealing with the problem of child labour should seek the cooperation of national and international trade unions.

33. Appropriate and necessary forms of support should be given to non-governmental organizations at all levels, especially community organizations, concerned with the problem of child labour.

34. Concerned United Nations bodies and specialized agencies should examine the possibility of promoting an information campaign among villagers, employers, parents, children and other groups in countries where child labour exists.

35. Members of the international community should cooperate in order to assist developing countries in creating conditions under which child labour could be entirely eliminated.